

FORM PTO-1390  
(REV 10-94)

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

2335.1USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Unknown 09/600094

INTERNATIONAL APPLICATION NO.

PCT/US99/00613

INTERNATIONAL FILING DATE

12 January 1999

PRIORITY DATE CLAIMED

12 January 1998

TITLE OF INVENTION

METHOD AND APPARATUS FOR DETERMINING BLOOD OXYGEN TRANSPORT

APPLICANT(S) FOR DO/EO/US

Henry BUCHWALD; Hector J. MENCHACA; Van MICHALEK; Thomas J. O'DEA; Thomas D. ROHDE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: 32 pages of specification; 33 claims; 7 formal drawing pages; Abstract; Courtesy copy of PCT/US99/00613 cover page; Notification of Transmittal of the International Preliminary Examination Report and attached International Preliminary Examination Report and annexes; Notification Concerning Submission or Transmittal of Priority Document; Form 1449; International Search Report; 6 references; Communication Regarding Change of Correspondence Address

334 Rec'd PCT/PT 11 JUL 2000

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown 09/60009		INTERNATIONAL APPLICATION NO. PCT/US99/00613		ATTORNEY'S DOCKET NUMBER 105.1USWO																																																
17. [X] The following fees are submitted:  <b>BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):</b> Search Report has been prepared by the EPO or JPO.....\$840.00  International preliminary examination fee paid to U.S. Patent and Trademark Office (37 CFR 1.492(a)(1)).....\$670.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(3)) paid to USPTO .....\$970.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$96.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$840.00  Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). \$0 <table border="1"><thead><tr><th>CLAIMS</th><th>NUMBER FILED</th><th>NUMBER EXTRA</th><th>RATE</th></tr></thead><tbody><tr><td>Total claims</td><td>33</td><td>-20 = 13</td><td>X \$18.00</td></tr><tr><td>Independent claims</td><td>5</td><td>-3 = 2</td><td>X \$78.00</td></tr><tr><td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td><td>+ \$260.00</td></tr><tr><td colspan="3"><b>TOTAL OF ABOVE CALCULATIONS =</b></td><td>\$1,230.00</td></tr><tr><td colspan="3">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td><td>\$0</td></tr><tr><td colspan="3"><b>SUBTOTAL =</b></td><td>\$1,230.00</td></tr><tr><td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td><td>+ \$0</td></tr><tr><td colspan="3"><b>TOTAL NATIONAL FEE =</b></td><td>\$1,230.00</td></tr><tr><td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td><td>+ \$0</td></tr><tr><td colspan="3"><b>TOTAL FEES ENCLOSED =</b></td><td>\$1,230.00</td></tr><tr><td colspan="3" rowspan="2"></td><td>Amount to be: refunded \$</td></tr><tr><td>charged \$</td></tr></tbody></table> <p>a. [X] Check(s) in the amount of \$1,230.00 to cover the above fees is enclosed.</p> <p>b. [ ] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO: Mark T. Skoog MERCHANT &amp; GOULD P.O. Box 2903 Minneapolis, MN 55402-0903</p> <p>SIGNATURE: <u>Mark T. Skoog</u> NAME: _____ REGISTRATION NUMBER: <u>40,178</u></p>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	33	-20 = 13	X \$18.00	Independent claims	5	-3 = 2	X \$78.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$1,230.00	Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$0	<b>SUBTOTAL =</b>			\$1,230.00	Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			+ \$0	<b>TOTAL NATIONAL FEE =</b>			\$1,230.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+ \$0	<b>TOTAL FEES ENCLOSED =</b>			\$1,230.00				Amount to be: refunded \$	charged \$
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/600094

Applicant: BUCHWA et al.

Docket: 12335.1USWO

Title: METHOD AND APPARATUS FOR DETERMINING BLOOD OXYGEN TRANSPORT

## CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL 41588209US

Date of Deposit: July 11, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: *Linda McCormick*  
Name: Linda McCormick

BOX PCT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application: Spec. 32 pgs; 33 claims; Abstract 1 pgs.  
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 7 sheets of formal drawings
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ A check in the amount of \$1230.00 to cover the Filing Fee
- ☒ Other: Preliminary Amendment; courtesy copy of PCT/US99/00613 cover page; Notification of Transmittal of the Int'l Preliminary Exam. Report and attached Int'l Preliminary Exam. Report and annexes; Notification Concerning Submission ... of Priority Document; Information Disclosure Statement; Form 1449; International Search Report; 6 references; Communication Regarding Change of Correspondence Address
- ☒ Return postcard

## CLAIMS AS FILED

Number of Claims Filed		In Excess of:		Number Extra		Rate		Fee
<b>Basic Filing Fee</b>								\$840.00
<b>Total Claims</b>								
33	-	20	=	13	x	18.00	=	\$234.00
<b>Independent Claims</b>								
5	-	3	=	2	x	78.00	=	\$156.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$1230.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
(612) 332-5300

By: *Mark T. Skoog*  
Name: Mark T. Skoog  
Reg. No.: 40,178  
Initials: MTS:jjw



(PTO TRANSMITTAL - NEW FILING)

S/N unknown

09/600094

534 Rec'd PCT/PTO 11 JUL 2000 PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BUCHWALD et al. Docket No.: 12335.1USWO  
Serial No.: unknown Filed: concurrent herewith  
Int'l Appln No.: PCT/US99/00613 Int'l Filing Date: January 12, 1999  
Title: METHOD AND APPARATUS FOR DETERMINING BLOOD OXYGEN  
TRANSPORT

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL 415888209US

Date of Deposit: July 11, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By:

Name: Linda McCormick

COMMUNICATION REGARDING CHANGE OF CORRESPONDENCE ADDRESS

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

In connection with the above-identified application, please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of-record, Mark T. Skoog (Reg. No. 40,178), at (612) 371-5240.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Dated: July 11, 2000

By

Mark T. Skoog

Reg. No. 40,178

MTS:jjw